

APPROVED MINUTES

KITTERY TOWN COUNCIL

April 28, 2014

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Frank Dennett, Russell White, Charles Denault and Jeffrey Brake.

5. Agenda Amendment and Adoption –

The agenda was accepted as presented.

6. Town Manager's Report

Town Manager Puff stated relative to the new FEMA flood maps, that they had sent out letters to approximately 40 properties they had determined would have a good shot at successfully appealing. She continued that they had put out three proposals for bid on those appeals and Ransom Engineering came back with the lowest cost. Town Manager Puff indicated they had received 12 responses from those properties so far, with 10 who were interested in cost sharing and had pledged \$4,700. She said that Wells had recently met with FEMA and they were looking to possibly join with other towns in similar situations to join in on the appeal.

Town Manager Puff indicated that they were going to be hosting a dinner for the Japanese exchange students the following evening at Susan Tuveson's home.

Town Manager Puff stated that the Rice Public Library was going to have local lawyers present for individuals to consult with on May 1st in honor of Law Day.

Town Manager Puff indicated that she was working with the assessor to develop a presentation on the property assessments and would be looking to schedule a workshop in the near future.

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Town Manager Puff indicated that the Economic Development Committee had an active new website at www.kitteryme.biz.

Town Manager Puff stated that at the next meeting they would be discussing considering extending the outdoor seating pilot program in Wallingford Square.

Town Manager Puff indicated that she had spoken with Mr. Sowerby relative to the condemned property on Route 1, who had indicated that the fence had been put up around the property but due to financial difficulties, he was having difficulty raising the structure.

7. Acceptance of Previous Minutes – 4/14/14

The minutes of 4/14/14 were accepted as amended.

8. Interviews for the Board of Appeals – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None

10. PUBLIC HEARINGS -

a. (040314-1) The Kittery Town Council moves to hold a public hearing and hereby ordains an ordinance to authorize the execution of a multi-year contract, “Ambulance Service Agreement” between the Towns of Eliot and Kittery, Maine and American Ambulance, Inc.

Chairperson Thomson indicated that this public hearing was advertised in the Portsmouth Herald on April 18, 2014.

Chief O’Brien went over all of the data they had collected over the past months for response times and that both Kittery and Eliot had times that were much better than was required by the contract. He continued that they now had two ALS wagons from Monday through Friday, 9-5. Chief O’Brien went over the important parts of the contract and indicated that it was recommended that the extension be approved.

Chairperson Thomson opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR WHITE MOVED TO ORDAIN AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A MULTI-YEAR CONTRACT, “AMBULANCE SERVICE AGREEMENT” BETWEEN THE TOWNS OF ELIOT AND KITTERY, MAINE AND AMERICAN AMBULANCE, INC. AS PRESENTED, SECONDED BY COUNCILOR DENAULT.

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Councilor Dennett stated that this item needed to be introduced by a Councilor. Chairperson Thomson indicated that he would introduce any item unless otherwise noted. Councilor Dennett stated that he thought that should be in writing and told the Chief that he had done an excellent job on the report. Councilor Dennett indicated that line 233 needed to be changed to “notices” instead of “notice”, line 465 needed to be changed to take out the word “interim”, lines 343 and 479 to change “Town Manager” to “Purchasing Agent”. The maker and seconder of the motion agreed with those changes.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

b. (040314-2) The Kittery Town Council moves to hold a public hearing and approve an application from Diane Wyman, 21 Chauncey Creek Road, Kittery Point, Maine for a Victualer’s License for Stella’s Sweet Café, One Government Street, #3, Kittery.

Chairperson Thomson indicated that this public hearing was advertised in the Portsmouth Herald on April 18, 2014. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR BRAKE MOVED TO APPROVE AN APPLICATION FROM DIANE WYMAN, 21 CHAUNCEY CREEK ROAD, KITTERY POINT, MAINE FOR A VICTUALER’S LICENSE FOR STELLA’S SWEET CAFÉ, ONE GOVERNMENT STREET, #3, KITTERY, SECONDED BY COUNCILOR DENAULT.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

c. (040314-3) The Kittery Town Council moves to hold a public hearing and approve an application from Sonmat, Inc., 7 Wallingford Square, Kittery, Maine for a Victualer’s License for Anju, 7 Wallingford Square, Unit 102, Kittery.

Chairperson Thomson indicated that this public hearing was advertised in the Portsmouth Herald on April 18, 2014. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR WHITE MOVED TO APPROVE AN APPLICATION FROM SONMAT, INC., 7 WALLINGFORD SQUARE, KITTERY, MAINE FOR A VICTUALER’S LICENSE FOR ANJU, 7 WALLINGFORD SQUARE, UNIT 102, KITTERY, SECONDED BY COUNCILOR DENAULT.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

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d. (040314-4) The Kittery Town Council moves to hold a public hearing and approve an application from Kittery Juicery, LLC, 7 Wallingford Square, Kittery, Maine for a Victualer's License for Maine Squeeze Juice Café, 7 Wallingford Square, #204, Kittery.

Chairperson Thomson indicated that this public hearing was advertised in the Portsmouth Herald on April 18, 2014. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR BRAKE MOVED TO APPROVE AN APPLICATION FROM KITTERY JUICERY, LLC, 7 WALLINGFORD SQUARE, KITTERY, MAINE FOR A VICTUALER'S LICENSE FOR MAINE SQUEEZE JUICE CAFÉ, 7 WALLINGFORD SQUARE, #204, KITTERY, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

e. (040314-5) The Kittery Town Council moves to hold a public hearing and approve an application from Bill's Grill, LLC, 15 Prebble Lane, York, Maine for a Victualer's License for Mike's Dogs, 8 Dexter Lane, The Outlet Mall, Kittery.

Chairperson Thomson indicated that this public hearing was advertised in the Portsmouth Herald on April 18, 2014. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR BRAKE MOVED TO APPROVE AN APPLICATION FROM BILL'S GRILL, LLC, 15 PREBBLE LANE, YORK, MAINE FOR A VICTUALER'S LICENSE FOR MIKE'S DOGS, 8 DEXTER LANE, THE OUTLET MALL, KITTERY, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

f. (040314-6) The Kittery Town Council moves to hold a public hearing and approve an application from Badger's Island Pizza, LLC, 30 Remicks Lane, Kittery, Maine for a Victualer's License for Badger's Island Pizza, 3 Island Avenue, Kittery.

Chairperson Thomson indicated that this public hearing was advertised in the Portsmouth Herald on April 18, 2014. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR WHITE MOVED TO APPROVE AN APPLICATION FROM BADGER'S ISLAND PIZZA, LLC, 30 REMICKS LANE, KITTERY, MAINE FOR A

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VICTUALER'S LICENSE FOR BADGER'S ISLAND PIZZA, 3 ISLAND AVENUE, KITTERY, SECONDED BY COUNCILOR DENAULT.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

g. (040314-7) The Kittery Town Council moves to hold a public hearing, in accordance with Section 6.09 (4) of the Kittery Town Charter to authorize the Town Manager to transfer \$14,000 from CIP Account #4054 Pepperrell Cove Wharf and \$20,185 from CIP Account #4055 Port Authority Equipment Reserve, for a total amount of \$34,185 to CIP Account #4053 Pepperrell Cove Paving, for the underground utilities project at Bellamy Lane.

Chairperson Thomson indicated that this public hearing was advertised in the Portsmouth Herald on April 18, 2014. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

Town Manager Puff indicated that Council had approved this direction at the December 23rd meeting and was just looking for further confirmation.

COUNCILOR DENNETT MOVED IN ACCORDANCE WITH SECTION 6.09(4) OF THE KITTERY TOWN CHARTER TO AUTHORIZE THE TOWN MANAGER TO TRANSFER \$14,000 FROM CIP ACCOUNT #4054 PEPPERRELL COVE WHARF AND \$20,185 FROM CIP ACCOUNT #4055 PORT AUTHORITY EQUIPMENT RESERVE, FOR A TOTAL AMOUNT OF \$34,185 TO CIP ACCOUNT #4053 PEPPERRELL COVE PAVING, FOR THE UNDERGROUND UTILITIES PROJECT AT BELLAMY LANE, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person) – None
- b. Chairperson's response to public – None

12. UNFINISHED BUSINESS –

(040214-7) The Kittery Town Council moves to approve a renewal application from Badger's Island Pizzeria, Inc., for a Malt and Vinous Liquor License for Badger's Island Pizzeria, 3 Island Avenue, Kittery.

Chairperson Thomson indicated that a motion was on the floor.

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A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition - None

b. (040314-8) The Kittery Town Council moves to read and sign a proclamation of congratulations and acknowledgement of Kittery's oldest resident, Lillian H. True, as being named the recipient of the Boston Post Cane.

Chairperson Thomson asked for, and received, a unanimous consent from Council to sign the proclamation.

Councilor Denault read the proclamation.

c. (040314-9) The Kittery Town Council moves to approve a request from Tom Emerson for Odyssey of the Mind to hold a tag day fundraiser at the Recycling Resource Facility on Saturday, May 10th, 2014 from 10 am to 2 pm.

CHAIRPERSON THOMSON MOVED TO APPROVE A REQUEST FROM TOM EMERSON FOR ODYSSEY OF THE MIND TO HOLD A TAG DAY FUNDRAISER AT THE RECYCLING RESOURCE FACILITY ON SATURDAY, MAY 10TH, 2014 FROM 10 AM TO 2 PM, SECONDED BY COUNCILOR BRAKE WITH ALL IN FAVOR.

d. (040314-10) The Kittery Town Council moves to approve a renewal application from John Kenneth Reed, 139 Cass St., Portsmouth, NH for a Malt, Spirituous and Vinous Liquor License for The Corner Pub, 4 Wallingford Square, Kittery.

COUNCILOR BRAKE MOVED TO APPROVE A RENEWAL APPLICATION FROM JOHN KENNETH REED, 139 CASS ST., PORTSMOUTH, NH FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR THE CORNER PUB, 4 WALLINGFORD SQUARE, KITTERY, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

e. (040314-11) The Kittery Town Council moves to approve a renewal application from WLH Management Corp., 145 Mendums Landing, Barrington, NH for a Malt, Spirituous and Vinous Liquor License for Warren's Lobster House, 11 Water Street, Kittery.

COUNCILOR WHITE MOVED TO APPROVE A RENEWAL APPLICATION FROM WLH MANAGEMENT CORP., 145 MENDUMS LANDING, BARRINGTON, NH FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR WARREN'S

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LOBSTER HOUSE, 11 WATER STREET, KITTERY, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

f. (040314-12) The Kittery Town Council moves to approve a renewal application from The Dance Hall, Walker Street, Kittery for a Malt and Vinous Liquor License for The Dance Hall, 7 Walker Street, Kittery.

COUNCILOR BRAKE MOVED TO APPROVE A RENEWAL APPLICATION FROM THE DANCE HALL, WALKER STREET, KITTERY FOR A MALT AND VINOUS LIQUOR LICENSE FOR THE DANCE HALL, 7 WALKER STREET, KITTERY, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

g. (040314-13) The Kittery Town Council moves to approve an application from Badger's Island Pizza, LLC, 30 Remicks Lane, Kittery, Maine for a Malt and Vinous Liquor License for Badger's Island Pizza, 3 Island Ave., Kittery.

COUNCILOR DENAULT MOVED TO APPROVE AN APPLICATION FROM BADGER'S ISLAND PIZZA, LLC, 30 REMICKS LANE, KITTERY, MAINE FOR A MALT AND VINOUS LIQUOR LICENSE FOR BADGER'S ISLAND PIZZA, 3 ISLAND AVE., KITTERY, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

h. (040314-14) The Kittery Town Council moves to approve an application from Diane Wyman, 21 Chauncey Creek Road, Kittery Point, Maine for a Malt, Spirituous and Vinous Liquor License for Stella's Sweet Café, One Government Street, #3, Kittery.

COUNCILOR BRAKE MOVED TO APPROVE AN APPLICATION FROM DIANE WYMAN, 21 CHAUNCEY CREEK ROAD, KITTERY POINT, MAINE FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR STELLA'S SWEET CAFÉ, ONE GOVERNMENT STREET, #3, KITTERY, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

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i. (040314-15) The Kittery Town Council moves to approve an application from Sonmat, Inc., 7 Wallingford Square, Unit 102, for a Malt and Vinous Liquor License for Anju, 7 Wallingford Square, Unit 102, Kittery.

COUNCILOR DENAULT MOVED TO APPROVE AN APPLICATION FROM SONMAT, INC., 7 WALLINGFORD SQUARE, UNIT 102, FOR A MALT AND VINOUS LIQUOR LICENSE FOR ANJU, 7 WALLINGFORD SQUARE, UNIT 102, KITTERY, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

j. (040314-16) The Kittery Town Council moves to hear a presentation from the Town Manager on the FY '14-'15 Municipal Budget.

Town Manager Puff stated that she wanted to thank all of the department heads for their help on the budget. She then went over the projected budget and indicated that they were projecting an increase in the tax rate by 2%. Town Manager Puff then went over the sources of revenue, revenue sharing, and property taxes and how those compared to the surrounding towns. Town Manager Puff went over all of the budget expenditures and the cost of employee benefits as well as the town debt.

k. (040314-17) The Kittery Town Council moves to authorize the Rice Public Library to use Fort Foster on Wednesday, August 27, 2014 from 8 pm to 10 pm to show an outdoor movie for the culmination of their Summer Reading Program.

COUNCILOR DENAULT MOVED TO AUTHORIZE THE RICE PUBLIC LIBRARY TO USE FORT FOSTER ON WEDNESDAY, AUGUST 27, 2014 FROM 8 PM TO 10 PM TO SHOW AN OUTDOOR MOVIE FOR THE CULMINATION OF THEIR SUMMER READING PROGRAM, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

l. (040314-18) The Kittery Town Council moves to appoint Election Clerks for the ensuing two years (May 2014-May 2016) as recommended by the Town Clerk.

COUNCILOR DENNETT MOVED TO APPOINT ELECTION CLERKS FOR THE ENSUING TWO YEARS (MAY 2014-MAY 2016) AS RECOMMENDED BY THE TOWN CLERK, SECONDED BY COUNCILOR BRAKE, WITH ALL IN FAVOR.

m. (040314-19) The Kittery Town Council moves to approve the disbursement warrants.

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COUNCILOR DENNETT MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR BRAKE, WITH ALL IN FAVOR.

n. (040314-20) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Parks Commission to interview Richard J. DeMarco, Jr. for his re-appointment to that board until 5/3/17.

COUNCILOR DENNETT MOVED TO WAIVE COUNCIL PROCEDURE AND REAPPOINT RICHARD J. DEMARCO, JR., WITHOUT THE BENEFIT OF AN INTERVIEW, TO THE PARKS COMMISSION FOR A TERM ENDING 5/3/17, SECONDED BY COUNCILOR BRAKE, WITH ALL IN FAVOR.

o. (040314-21) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Community Center Board of Directors to interview Maureen D. Convery for her re-appointment to that board until 5/30/17.

CHAIRPERSON THOMSON MOVED TO WAIVE COUNCIL PROCEDURE AND REAPPOINT MAUREEN D. CONVERY, WITHOUT THE BENEFIT OF AN INTERVIEW, TO THE COMMUNITY CENTER BOARD OF DIRECTORS FOR A TERM ENDING 5/30/17, SECONDED BY COUNCILOR BRAKE, WITH ALL IN FAVOR.

14. COUNCILOR ISSUE OR COMMENT

Councilor Denault asked if the municipal travel policy also applied to the school side, and if not, could they make a generic policy. Chairperson Thomson stated they had discussed it in the past years and asked the manager to inquire about it.

Councilor Denault stated that he was still receiving complaints on the response time from the town on phone calls and emails. He stated that it had improved some, but that there was still some delay.

Councilor Denault indicated that he had received some complaints that the Japanese flag had been raised on the same pole as the American flag. He stated that he thought they should have some policy on flags and when they can be raised and also that acquiring a portable flag pole could be a good idea.

Councilor White stated that he had attended the welcoming dinner for the Japanese students and that it was a great occasion.

Councilor White asked what was going on with the Fort Foster pier and that he hated not to see it open to the public. Town Manager Puff responded that it was unfunded in the CIP recommendations as it was too big to fund in one year. She continued that the Parks

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Commission was looking for it to be funded this year. Councilor White asked how much it was going to cost to fix. Town Manager Puff stated approximately \$300,000. Councilor White noted they might want to look into doing some fundraising around town for the project.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson –

Chairperson Thomson indicated there was a meeting for the J1 Committee that Wednesday at 6:30.

b. Committee Reports –None

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

**COUNCILOR DENAULT MOVED TO ADJOURN, SECONDED BY
COUNCILOR WHITE WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:28 P.M.**